

CHAPTER 11 STATE EMPLOYEE DRIVING GUIDELINES

401—11.1(18) Purpose. The department of general services is responsible for determining what coverages to self-insure and those that the state of Iowa should insure. The determination has been made to self-insure the automobile risk exposure. Implementation of these rules will enable the department of general services to implement claims cost containment procedures for this type of loss.

401—11.2(18) Definitions.

“At-fault accident” means one in which the state driver is determined to be 50 percent or more responsible for the accident.

“Defensive driving course” means an eight-hour course with instruction provided by the Iowa state patrol.

“Driver improvement course” means an eight-hour course with instruction provided by a local area college.

“Pool car” means a vehicle assigned to the state of Iowa, department of general services, division of fleet and mail pool.

“Preventable accident,” for purposes of this chapter, means one that could have been prevented or damage minimized by proper evasive action.

“Private vehicle” means any vehicle not registered to the state of Iowa, department of general services.

“State driver” means any person who drives a vehicle to conduct official state business other than a law enforcement officer.

“State vehicle” means any vehicle registered to the state of Iowa, department of general services.

401—11.3(18) Exceptions. These rules do not apply to the department of transportation or to institutions under the authority of the board of regents. Nor do they supersede any applicable federal law or regulation or state law. Persons who have been granted an ADA exception through the Iowa department of personnel are also exempted from these rules.

401—11.4(18) Type of accident. The determination as to whether an accident is without fault, at fault or preventable shall be made by the department of general services, risk manager. In making this determination the risk manager will consider all relevant information including information provided by the state driver and others involved in the accident, information provided by witnesses to the accident and information contained in any investigating officer’s reports.

401—11.5(18) Valid driver’s license required. A state driver shall not drive a state or private vehicle on state business if the state driver does not currently possess a valid driver’s license.

401—11.6(18) Required reporting. A state driver must report any potential liability, collision or comprehensive loss which occurs while conducting state business to the risk manager of the department of general services. The failure to report may result in payment of any loss from the funds of the state driver’s employing agency.

401—11.7(18) Mandatory training. Each state driver who is assigned a state vehicle or who drives a private vehicle on state business at least 5,000 miles per year shall attend a defensive driving or driver improvement course every three years. Each state driver who drives a pool car shall also participate in vehicle safety classes as offered and required by the division of customer service, administration and purchasing.

401—11.8(18) Access to driving records. The division of customer service, administration and purchasing has the authority to monitor the Iowa department of transportation driving record of employees who drive a state vehicle or a private vehicle to conduct state business.

401—11.9(18) Corrective actions.

11.9(1) If a state driver is involved in any one of the following occurrences, the state driver will receive written counseling concerning the state driver's responsibilities and will be required to attend a defensive driving course. The defensive driving course must be attended within three months of one of the following occurrences:

- a. The state driver is involved in one at-fault or preventable accident while operating a state vehicle.
- b. The state driver receives three moving traffic violations in a three-year period while operating a state vehicle or a private vehicle.

11.9(2) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period not to exceed one year and will be required to attend a driver improvement course. The driver improvement course must be attended within three months of one of the following occurrences. While the state driver is suspended from driving a state vehicle, the state driver will remain eligible to receive mileage reimbursement from the state of Iowa. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation.

- a. The state driver is involved in three at-fault or preventable accidents in a five-year period while operating a state vehicle.
- b. The state driver is involved in five moving traffic violations within a three-year period while operating a state vehicle or a private vehicle.
- c. The state driver is convicted of a first offense driving while intoxicated charge while operating a private vehicle on private business.
- d. The state driver fails to notify the division of customer service, administration and purchasing of an operating while intoxicated conviction received while operating a state vehicle or a private vehicle.

11.9(3) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period exceeding one year up to a permanent suspension or from driving a private vehicle on state business and will be required to attend a driver improvement course. The driver improvement course must be attended within three months of one of the following occurrences. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation.

- a. The state driver is involved in four at-fault or preventable accidents during a five-year period while operating a state vehicle.
- b. The state driver receives six or more moving traffic violations while operating a state or private vehicle within a three-year period.
- c. A state driver is convicted of a second operating while intoxicated offense within a five-year period while operating a private vehicle on private business.

11.9(4) If a state driver is convicted of operating a state vehicle while intoxicated, or operating a private vehicle on state business while intoxicated, the state driver will be permanently suspended from driving a state vehicle or from driving a private vehicle on state business. This suspension may not be reconsidered.

401—11.10(18) Reconsideration of suspension. If a state driver is suspended from driving a state vehicle, the driver may request a reconsideration of the suspension. A written request for reconsideration must be submitted to the suspended driver's immediate supervisor. The immediate supervisor

must provide a written report, supporting or denying the employee's request, to the director of the department of general services. The director will act on this request and notify the state driver's supervisor of the action taken within 60 days from receipt of the supervisor's request for reconsideration.

401—11.11(18) Probationary drivers. If driving privileges are reinstated following a request for reconsideration, reinstated state driver will be placed in a probationary state vehicle driving status for a period of three months. If a state driver in probationary status has a preventable or at-fault accident while operating a state or private vehicle on state business or receives a moving traffic violation while operating a state or private vehicle on state business, the probationary status will be revoked and the state driver's original suspension period will be reinstated. Following revocation of probationary status, the state driver may not request further reconsideration of the suspension. A driver in probationary status is eligible to receive mileage reimbursement from the state.

These rules are intended to implement Iowa Code section 18.115.

[Filed 6/2/95, Notice 1/18/95—published 6/21/95, effective 7/26/95]

CHAPTERS 12 and 13
Reserved